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ORDINANCE NO. R-81-30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 73-2, AS AMENDED, THE PALM BEACH COUNTY ZONING CODE, TO REVISE THE TABLE OF "SETBACKS/YARDS BY NUMBER OF RESIDENTIAL FLOORS IN FEET" OF THE PLANNED UNIT DEVELOPMENT PROVISIONS; PROVIDING FOR CODIFICATION, SEVERABILITY OF INVALID PROVISIONS, REPEAL OF CONFLICTING LAWS, AND AN EFFECTIVE DATE.

WHEREAS, the existing Planned Unit Development provisions of the Palm Beach County Zoning Code do not provide for a graduate setback for structures in excess of eight (8) stories, and

WHEREAS, the Board of County Commissioners of Palm Beach County is desirous of establishing such a graduated setback provision in order to provide for orderly development within Planned Unit Developments:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION I. Subsection 500.21.k.1. of Ordinance No. 73-2, as amended, is hereby amended to read as follows:

500.21.k.1 Minimum Yard Setback Requirements.

All buildings and structures shall comply with the following regulations governing setbacks and yard areas. The distances stated below apply both to the proximity of one building to another as well as to the property lines. All developments shall be required to have a buffer area of at least twenty-five (25) feet wide adjacent to and completely around the boundary of the PUD site, except that:

No buffer shall be required for single family detached design lots meeting the standards of Section 500.21.k.4.a. If the boundary of the proposed PUD abutts existing canal right-of-way equal to or greater than fifty (50) feet in width, the required buffer area may be omitted. In areas where the PUD is located contiguous to a local or collector street whereby the existing land use abutting same is consistent with the subject design proposal, the perimeter buffer may be waived by approval of the Site Plan Review Committee.

All setbacks shall be measured from the inside edge of the required buffer area. The required buffer area may be made a part of single family-attached or patio home design lots. However, these lots must meet the minimum standards for such lots, exclusive of the buffer area. Native vegetation within required buffer areas shall be preserved, where possible, and the installation of supplemental planning is encouraged. Pedestrian paths, bicycle trails, or other low intensity recreational uses may be permitted within buffer areas, if shown on the approved master plan.

Setbacks/Yards In Feet By Number of Residential Floors For Multi-Family Structures Only.

	<u>1-2</u>	<u>3-5</u>	<u>6-7</u>	<u>8</u>	<u>Above 8*</u>
Front	25	30	35	40	40*
Side (interior)	15	35	35	40	40*
Side (corner)	25	30	35	40	40*
Rear	25	35	40	40	40*

*Any proposed structure beyond eight (8) stories shall be a Special Exception under the provisions of this Code and therefore must also comply with the requirements of Section 401.2. In addition to the setbacks noted above, three (3) additional feet for each additional story above eight (8) stories shall be required. This provision shall apply to all new multi-family structures within Planned Unit Developments except for those which received specific site plan approval prior to the effective date of this amendment.

SECTION II. INCLUSION IN CODE.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida and the various sections may be retitled, re-numbered or relettered to accomplish said inclusion.

SECTION III. SEVERABILITY OF INVALID PROVISIONS.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be severable.

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SECTION IV. REPEAL OF CONFLICTING LAWS.

Any provisions of any ordinances or laws of Palm Beach County existing on the effective date of this ordinance, which are in conflict with the provisions contained herein shall be deemed repealed to the extent of such conflict.

SECTION V. EFFECTIVE DATE.

This ordinance shall take effect as provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this 10th day of NOVEMBER, 1981.

PALM BEACH COUNTY FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Chairman

Acknowledgement by the Department of State of the State of Florida, this 19th day of November, 1981.

EFFECTIVE DATE: Acknowledgement from the Department of State received on this 23rd day of November, 1981, at 1:44 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By [Signature]
County Attorney